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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,709

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Jurgen Schmidt

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EXAMINER

RAHMAN, MOHAMMAD N

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,709	<b>Applicant(s)</b> SCHMIDT, JURGEN	
	<b>Examiner</b> MOHAMMAD N. RAHMAN	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 01/27/2010 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 01/27/2010 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/23/2009</u> . | 6) <input type="checkbox"/> Other: _____  |

***DETAILED ACTION***

1. In view of the Appeal Brief filed on 27 January 2010 PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161

2. This Office Action is in response to applicant's communication filed 01/27/2010 in response to PTO Office Action mailed 10/27/2009. The Applicant's remarks and amendments to the claims and/or the specification were considered with the results as follow.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-12** are rejected under 35 USC 103 as obvious over Kim et al (US Patent no. 7,224,730) in view of Luken, William (US Pub. No. 2004/0109502) further in view of Yokoyama (US Patent No. 6963610)..

**As to claim 1**, Kim teaches, "Method for decoding a data stream, containing a first and a second substream, the first substream containing first and second multimedia data packets and the second substream containing control information, wherein the multimedia data packets contain an indication of the time when to be presented and are decoded prior to their indicated presentation time, the method comprising the steps of:

- "extracting from said control information of the second substream first, second and third control data wherein the first control data are suitable for defining buffer size to be allocated, the second control data are suitable for defining one or more second multimedia data packets to be buffered, and the third control data are suitable for defining a mode for buffering the second multimedia data packets" at col.3, lines 10-24 and col.13, lines 4-

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21, (the encoded video data can be stored in a buffer or a memory device and retrieved from the buffer or the memory device after processing is complete);

- “storing the first decoded multimedia data packets in the buffer” at col.3, lines 24-41 and col.13, lines 4-21; and

Kim does not teach, “storing one or more multimedia data packets according to the second control data in the buffer, wherein depending on the third control data either the second multimedia data packets are appended to the first decoded multimedia data packets in the buffer, or replace some or all of the first decoded multimedia data packets in the buffer”.

However, Luken teaches, “storing one or more multimedia data packets according to the second control data in the buffer, wherein depending on the third control data either the second multimedia data packets are appended to the first decoded multimedia data packets in the buffer, or replace some or all of the first decoded multimedia data packets in the buffer” see at Fig. 3(C), 21(A)-(B), para. [0190], [0185] and [0195].

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Luken into the Efficient means for creating MPEG-4 textual representation from MPEG-4 intermedia format of Kim, because storing one or more multimedia data packets according to the second control data in the buffer would provide efficient facility consisting of a relatively small amount of software and requires only modest resources to achieve

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composite multimedia presentation conversion from MPEG-4 binary file format to XMT format..

Kim / Luken do not teach, "allocating, in a buffer, buffer size according to the first control data (Length);

Yokoyama teaches, "allocating, in a buffer size according to the first control data(length);" at col. 8, lines 17-22, col.17, lines 45-62 and col. 28, lines 7-28, *(The computer 70 analyzes the entirety of the images, which were input, at a time to store the analysis data in the record medium 801, as shown in FIG. 17. And the computer 70 makes the assignment of the code quantity, based on the analysis data stored in the record medium 801, the designated bit rate, and the buffer size of the buffer 704, calculates the target code quantity of each frame in the entirety of the images that were input, and stores the control data based on this in the record medium 801).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Yokoyama into the Moving image coding device, moving image coding method and program thereof employing pre-analysis of Kim/ Luken, because allocating, in a buffer size according to the first control data(length) would provide a way to Improve image quality by allocating codes with respect to buffer under the same bit rate.

**As to claim 2,** Kim/ Luken / Yokoyama teaches, "Method according to claim 1, wherein the third control data defines one of a plurality of operation

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modes, wherein in a first mode buffering of multimedia data packets is performed when the value of the first control data changes, and in a second and third mode the second control data are valid for specifying the multimedia data packets to be buffered, wherein in the second mode the multimedia data packets replace the buffer contents and in the third mode the multimedia data packets are appended to the buffer contents” see Luken, at para. [0166], [0172], [0185] and [0187].

**As to claim 3**, Kim/ Luken/ Yokoyama teaches, “Method according to claim 2, wherein the third mode has two variations, wherein in the first variation the buffering of multimedia data packets stops when the buffer is full, and in the second variation previously buffered data may be overwritten when the buffer is full” see Luken, at Fig. 9, Para. [0182] and [0185].

**As to claim 4**, Kim/ Luken/ Yokoyama teaches, “Method according to claim 1, wherein the method is utilized in an instance of a processing node and wherein the first control data defines the allocated buffer size at node creation time” see Luken, at Fig. 9, Para. [0152], [0166] and [0173].

**As to claim 5**, Kim/ Luken/ Yokoyama teaches, “Method according to claim 1, wherein labels are attached to the buffered first and other multimedia data packets, and the packets may be accessed through their respective label” see Kim, at col. 6, lines 1-17, lines 59-67 and col.7, lines 1-11.

**As to claim 6**, Kim/ Luken/ Yokoyama teaches, “Method according to the claim 5, wherein a label attached to the buffered data packets contains an index

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relative to the latest received data packet” see Kim, at col. 6, lines 1-17, lines 59-67 and col.7, lines 1-11.

**As to claim 7**, Kim/ Luken/ Yokoyama teaches, “Method according to claim 1, wherein the first substream contains audio data and the second substream contains a description of the presentation” see Luken, Para. [0172], [0173] and [0174].

**As to claim 8**, Kim teaches, “Apparatus for decoding a data stream, the data stream containing a first and a second substream, the first substream containing first and second multimedia data packets and the second substream containing control information, wherein the multimedia data packets contain an indication of the time when to be presented and are decoded prior to their indicated presentation time, and wherein the first and second multimedia data packets are buffered, comprising:

- “buffering means for said buffering of the first and the second multimedia data packets ; packets to be buffered, and the third control data are suitable for defining a mode for buffering the second a multimedia data packets” at col.3, lines 10-24 and col.13, lines 4-21, (the encoded video data can be stored in a buffer or a memory device and retrieved from the buffer or the memory device after processing is complete);



- “storing the first decoded multimedia data packets in the buffer” at col.3, lines 24-41 and col.13, lines 4-21; and

Kim does not teach, “means for allocating, in the buffer, buffer size according to the first control data; means for storing the first decoded multimedia data packets in the buffer; and means for storing one or more multimedia data packets according to the second control data in the buffer, wherein depending on the third control data either the second multimedia data packets are appended to the first decoded multimedia data packets in the buffer, or replace some or all of the first decoded multimedia data packets in the buffer”.

However, Luken teaches, “means for allocating, in the buffer, buffer size according to the first control data; means for storing the first decoded multimedia data packets in the buffer; and means for storing one or more multimedia data packets according to the second control data in the buffer, wherein depending on the third control data either the second multimedia data packets are appended to the first decoded multimedia data packets in the buffer, or replace some or all of the first decoded multimedia data packets in the buffer” see at Fig. 3(C), 21(A)-(B), Para. [0164], [0166], [0185] and [0196].

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Luken into the Efficient means for creating MPEG-4 textual representation from MPEG-4 intermedia format of Kim, because storing one or more multimedia data packets according to the second control data in the buffer would provide efficient facility consisting of a relatively

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small amount of software and requires only modest resources to achieve composite multimedia presentation conversion from MPEG-4 binary file format to XMT format..

Kim / Luken does not teach, “means for extracting from said control information of the second substream first, second and third control data, wherein the first control data are suitable for defining buffer size to be allocated, the second control data are suitable for defining one or more second multimedia data;

However, Yokoyama teaches, “means for extracting from said control information of the second substream first, second and third control data, wherein the first control data are suitable for defining buffer size to be allocated, the second control data are suitable for defining one or more second multimedia data;” at col. 8, lines 17-22, col.17, lines 45-62 and col. 28, lines 7-28, (*The computer 70 analyzes the entirety of the images, which were input, at a time to store the analysis data in the record medium 801, as shown in FIG. 17. And the computer 70 makes the assignment of the code quantity, based on the analysis data stored in the record medium 801, the designated bit rate, and the buffer size of the buffer 704, calculates the target code quantity of each frame in the entirety of the images that were input, and stores the control data based on this in the record medium 801*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Yokoyama into the Moving image

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coding device, moving image coding method and program thereof employing pre-analysis of Kim/ Luken, because extracting from said control information of the second substream first, second and third control data, wherein the first control data are suitable for defining buffer size to be allocated, the second control data are suitable for defining one or more second multimedia data would provide a way to Improve image quality by allocating codes with respect to buffer under the same bit rate.

**As to claim 9**, Kim/ Luken/ Yokoyama teaches, "Apparatus according to claim 8, further comprising means for attaching labels to the buffered multimedia data packets, and means for accessing, retrieving or deleting the packets through their respective label" see Luken, Para. [0201], [0205] and [0206].

**As to claim 10**, Kim/ Luken/ Yokoyama teaches, "Apparatus according to claim 8, wherein the data stream is an MPEG-4 compliant data stream" see Kim, at col.3, lines 10-24 and col.13, lines 4-21.

**As to claim 11**, Kim/ Luken/ Yokoyama teaches, "Method according to claim 1, wherein replacing the stored first decoded multimedia packets with the second multimedia data packets further comprises the step of clearing the buffer before storing the second multimedia data packets" see Kim, at col.3, lines 10-24 and col.13, lines 4-21.

**As to claim 12**, Kim/ Luken/ Yokoyama teaches, “Apparatus according to claim 8, wherein the third control data defines one of a plurality of operation modes, wherein in a first mode buffering of multimedia data packets is performed when the value of the first control data changes, and in a second and third mode the second control data are valid for specifying the multimedia data packets to be buffered, wherein in the second mode the multimedia data packets replace the buffer contents and in the third mode the multimedia data packets are appended to the buffer contents” see at Fig. 3(C), 21(A)-(B), Para. [0153], [0201], [0205] and [0209].

### ***Response to Arguments***

5. Applicant’s arguments filed with respect to **claims 1-12** have been considered but are moot in view of the new ground(s) of rejection by Yokoyama (US Patent No. 6,963,610).

### ***Conclusion***

6. Examiner’s Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as

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potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which indicate(s) the structure relied on for proper interpretation and also to verify and ascertain in the metes and bounds of the claimed invention.

### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad N. Rahman whose telephone number is 571-270-1631. The examiner can normally be reached on 7:30am - 5:00 pm, Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu M can be reached on 572-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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/Mohammad N Rahman/  
Examiner, Art Unit 2161  
Date: 05/06/2010

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161